

Introduced by Senator Torlakson

January 5, 2004

An act to amend Section 97.1 of the Streets and Highway Code, and to amend Section 42010 of the Vehicle Code, relating to highways.

LEGISLATIVE COUNSEL'S DIGEST

SB 1084, as introduced, Torlakson. Highways: Safety-Enhancement-Double Fine Zones.

Under existing law, until January 1, 2006, the segment of State Highway Route 101 between the Eureka Slough Bridge and the Gannon Slough Bridge in Arcata is designated a Safety Enhancement-Double Fine Zone. This designation results in increased fines for traffic violations occurring within the zone.

This bill would also designate until January 1, 2006, the segment of Vasco Road between the Interstate 580 junction in Alameda County and the Walnut Boulevard intersection in Contra Costa County as a Safety Enhancement-Double Fine Zone, and subject it to the provisions requiring increased fines for traffic violations. Because Vasco Road is a county road, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 97.1 of the Streets and Highways Code
- 2 is amended to read:
- 3 97.1. (a) *The following highway segments are Safety*
- 4 *Enhancement-Double Fine Zones:*
- 5 (1) The five-mile segment of State Highway Route 101,
- 6 between the Eureka Slough Bridge No. 4-22 and the Gannon
- 7 Slough Bridge No. 4-24 in Arcata ~~is a "Safety~~
- 8 ~~Enhancement-Double Fine Zone."~~ This highway segment is.
- 9 (2) *The segment of county highway known as Vasco Road,*
- 10 *between the Interstate 580 junction in Alameda County and the*
- 11 *Walnut Boulevard intersection in Contra Costa County.*
- 12 (b) *The Safety Enhancement-Double Fine Zones described in*
- 13 *subdivision (a) are subject to the rules and regulations adopted by*
- 14 *the department prescribing uniform standards for warning signs to*
- 15 *notify motorists that, pursuant to Section 42010 of the Vehicle*
- 16 *Code, increased penalties apply for traffic violations that are*
- 17 *committed within a Safety Enhancement-Double Fine Zone. The*
- 18 *department or the local authority having jurisdiction over this*
- 19 *highway segment shall place and maintain the warning signs*
- 20 *identifying this highway by stating that a "Special Safety Zone*
- 21 *Region Begins Here" and a "Special Safety Zone Ends Here."*
- 22 ~~(b)~~
- 23 (c) Designation of ~~this~~ *the highway segment segments in*
- 24 *subdivision (a) as a Safety Enhancement-Double Fine Zone Zones*
- 25 *does not increase the civil liability of the state or local authority*
- 26 *having jurisdiction over the highway segment under Division 3.6*
- 27 *(commencing with Section 810) of Title 1 of the Government*
- 28 *Code or any other provision of law relating to civil liability.*
- 29 ~~(e)~~
- 30 (d) (1) Only the base fine shall be enhanced pursuant to this
- 31 section.
- 32 (2) Notwithstanding any other provision of law, any additional
- 33 penalty, forfeiture, or assessment imposed by any other statute



1 shall be based on the amount of the base fine before enhancement
2 or doubling and shall not be based on the amount of the enhanced
3 fine imposed pursuant to this section.

4 ~~(d)~~

5 (e) The ~~project~~ *projects* specified in subdivision (a) shall not be
6 elevated in priority for state funding purposes.

7 ~~(e)~~

8 (f) This section shall remain in effect only until January 1,
9 2006, and as of that date is repealed, unless a later enacted statute,
10 which is enacted before January 1, 2006, deletes or extends that
11 date.

12 SEC. 2. Section 42010 of the Vehicle Code is amended to
13 read:

14 42010. (a) For any offense specified in subdivision (b) that is
15 committed by the driver of a vehicle within an area that has been
16 designated as a Safety Enhancement-Double Fine Zone pursuant
17 to subdivision (a) of Section ~~97~~ 97.1 of the Streets and Highways
18 Code, the fine, in a misdemeanor case, shall be double the amount
19 otherwise prescribed, and, in an infraction case, the fine shall be
20 one category higher than the penalty otherwise prescribed by the
21 uniform traffic penalty schedule established pursuant to Section
22 40310.

23 (b) A violation of any of the following provisions is an offense
24 that is subject to subdivision (a):

25 (1) Chapter 3 (commencing with Section 21650) of Division
26 11, relating to driving, overtaking, and passing.

27 (2) Chapter 7 (commencing with Section 22348) of Division
28 11, relating to speed limits.

29 (3) Section 23103, relating to reckless driving.

30 (4) Section 23104, relating to reckless driving which results in
31 bodily injury to another.

32 (5) Section 23109, relating to speed contests.

33 (6) Section 23152, relating to driving under the influence of
34 alcohol or a controlled substance, or a violation of Section 23103,
35 as specified in Section 23103.5, relating to alcohol-related
36 reckless driving.

37 (7) Section 23153, relating to driving under the influence of
38 alcohol or a controlled substance, which results in bodily injury to
39 another.

40 (8) Section 23220, relating to drinking while driving.

1 (9) Section 23221, relating to drinking in a motor vehicle while
2 on the highway.

3 (10) Section 23222, relating to driving while possessing an
4 open alcoholic beverage container.

5 (11) Section 23223, relating to being in a vehicle on the
6 highway while possessing an open alcoholic beverage container.

7 (12) Section 23224, relating to being a driver or passenger
8 under the age of 21 possessing an open alcoholic beverage
9 container.

10 (13) Section 23225, relating to being the owner or driver of a
11 vehicle in which there is an open alcoholic beverage container.

12 (14) Section 23226, relating to being a passenger in a vehicle
13 in which there is an open alcoholic beverage container.

14 (c) This section applies only when traffic controls or warning
15 signs have been placed pursuant to Section ~~97~~ 97.1 of the Streets
16 and Highways Code.

17 (d) (1) Notwithstanding any other provision of law, the
18 enhanced fine imposed pursuant to this section shall be based only
19 on the base fine imposed for the underlying offense and shall not
20 include any other enhancements imposed pursuant to law.

21 (2) Notwithstanding any other provision of law, any additional
22 penalty, forfeiture, or assessment imposed by any other statute
23 shall be based on the amount of the base fine before enhancement
24 or doubling and shall not be based on the amount of the enhanced
25 fine imposed pursuant to this section.

26 (e) This section shall remain in effect only until January 1,
27 ~~2004~~ 2006, and as of that date is repealed, unless a later enacted
28 statute, that is enacted on or before January 1, ~~2004~~ 2006, deletes
29 or extends that date.

30 SEC. 3. Notwithstanding Section 17610 of the Government
31 Code, if the Commission on State Mandates determines that this
32 act contains costs mandated by the state, reimbursement to local
33 agencies and school districts for those costs shall be made pursuant
34 to Part 7 (commencing with Section 17500) of Division 4 of Title
35 2 of the Government Code. If the statewide cost of the claim for
36 reimbursement does not exceed one million dollars (\$1,000,000),
37 reimbursement shall be made from the State Mandates Claims
38 Fund.

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